

HOUSE BILL REPORT

HB 1414

As Reported by House Committee On: Education

Title: An act relating to training regarding the use of force and physical restraints for school building administrators and other school security personnel.

Brief Description: Requiring a model policy and training standards regarding the use of force in the common schools.

Sponsors: Representatives Dickerson, Quall, Pettigrew, Kagi, O'Brien, Miloscia, Chase, Santos and Simpson.

Brief History:

Committee Activity:

Education: 2/2/05, 2/15/05 [DPS].

Brief Summary of Substitute Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to develop a model policy, and training standards and requirements regarding the use of force and restraint in schools.
- Requires the OSPI and the Criminal Justice Training Commission (CJTC) to offer training regarding the use of force and restraint for school security personnel.
- Directs the OPSI to recommend options for the state-wide delivery of training for relevant school personnel regarding the use of force and restraint.
- Requires school districts to adopt a policy regarding the use of force and restraint and to identify employees in need of training.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

Minority Report: Do not pass. Signed by 1 member: Representative Anderson, Assistant Ranking Minority Member.

Staff: Sydney Forrester (786-7120).

Background:

School districts throughout the state use a combination of school security officers and school resource officers to address their security needs. School resource officers are fully commissioned law enforcement officers who spend all or a portion of their day at one or more school sites. School security officers typically are not commissioned law enforcement officers, although some may be retired from law enforcement.

Decisions regarding the qualifications for employment and the training standards and requirements for school security personnel are made locally. The state has established no licensing, certification, or registration requirements for school security officers. To meet their training needs, districts may partner with local law enforcement, contract with private providers, or receive training through the Criminal Justice Training Commission (CJTC). In each of the last two biennia the Legislature has appropriated \$200,000 for the coordination of regional training courses provided by the CJTC in collaboration with the Office of the Superintendent of Public Instructions (OSPI).

Policies regarding school discipline, including the use of force and physical restraint, are established at the local level. No requirement exists for districts to specify whether use of force or restraint is permitted. A variety of approaches exist statewide, ranging from hands-off policies, to those that permit the use of deadly force.

The School Safety Advisory Committee (SSAC) established through the OSPI has begun to address the need for a more comprehensive set of training standards and requirements for school security personnel, as well as the need for guidance regarding use of force policies. The SSAC's work includes efforts to define the training standards and requirements necessary to meet the full spectrum of school safety issues including prevention, intervention, crisis response, and recovery.

Summary of Substitute Bill: The OSPI, in consultation with the SSAC and the CJTC, is directed to develop a model policy and training standards and requirements regarding the use of force and physical restraint in schools. The model policy must be developed with input from school safety stakeholders representing the interests of: school boards and administrators; principals, teachers, classified employees, and instructional aids; school security professionals and school safety trainers; law enforcement, prosecutors, and legal defense specialists; special education administrators and personnel; victim assistance and human rights advocates; pediatric and adolescent health care specialists; mental health providers; and others deemed relevant by the OSPI.

By March 30, 2006, the model policy and training standards and requirements must be developed and made available to school districts. The OSPI and the CJTC will offer a schedule of regional training opportunities for school security personnel from May through December 2006. *School security personnel* is defined to include persons other than commissioned law enforcement officers who provide security services at a school, and includes independent contractors hired by a school or district.

By December 1, 2006, the OSPI, in collaboration with the CJTC and the SSAC will report to the Legislature with a recommendation for full implementation of the training standards and requirements. The plan must include training content and the costs of ongoing training of school security personnel, school administrators, and other relevant school personnel.

Beginning in the 2005-06 school year, school boards and relevant building administrators who employ independent contractors for security services must inquire and be informed about a contractor's policy regarding use of force and physical restraint in the school.

By September 1, 2007, school districts must adopt a policy regarding the use of force and restraint and must identify employees in need of training regarding the use of force. Policies should be tailored to reflect the contexts of a district's schools and may be incorporated into existing policies regarding student conduct, discipline, and rights.

A null and void clause is included.

Substitute Bill Compared to Original Bill:

The substitute bill includes the CJTC as an entity with whom the OSPI must consult in the development of the model policy and training standards and requirements. The scope of mandatory topics for the model policy and training standards is replaced with a directive to the OSPI, the SSAC, and the CJTC to develop the policy and standards with input from school safety stakeholders and specified representative groups.

The requirement for school districts to ensure annual training of school personnel regarding the use of force and restraint, is replaced with a requirement for districts to identify employees in need of training.

School safety personnel is defined to include independent contractors, and a requirement is added for school boards and principals to ask and be informed about the use of force and restraint policies of independent contractors who provide security services in a school.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: (In support) The need for this legislation came about through recent reports regarding the frequent use of handcuffs on students. In one district, handcuffs were used in five incidents at the elementary school level. School districts have policies allowing the use of handcuffs, tasers, even deadly force in schools.

How does this relate to the training of security officers? It relates because many of our security officers are virtually untrained. Parents, students, security officers, police, and

doctors become concerned when untrained people are using force. Medical journals indicate the use of force by an untrained person can result in serious injury and sometimes death.

The OSPI School Safety Advisory Committee has been working on this issue already. They have brought in training experts from across the nation and have been working with stakeholders. Other states have enacted legislation that requires training and certification of school security officers. This bill doesn't require certification, but it does take a big step forward in asking our schools to have training policies in place for our school security personnel.

Who would benefit by this? Certainly parents would benefit by knowing that persons who may have to handle our children have been trained. Students would benefit, and our schools would benefit by the reduced liability from having untrained persons using force and restraint

(With concerns) The OSPI supports this bill with a few caveats. The development of policy by a broad stakeholder group and the requirement for local policies and parameters for the use of force are good ideas. Also important is providing training throughout the state that addresses the issues and needs of the policy and training. We have been working on this issue over the past few years with the CJTC and we'd like to see that work continue.

This is a complex issue. We have some concerns that the bill may be overly prescriptive and we'd like to remove some of the details and direct that to the task force to address. The OSPI recently has been involved on task forces like this for related issues. In those projects the stakeholders defined the parameters. We also are concerned the training requirement may be overly expansive and include everyone in a school. This would make it fiscally and practically unworkable.

The SSAC has been focusing on this as a major topic and priority. We have been listening to the various perspectives and we support the concept of the model policy. We have some concerns about the level of specificity in the bill, however. It is time for policies on this area and we recommend giving the task force the flexibility it needs. We would like the task force to consider the various school models where no security personnel are employed. We support the concept but are concerned about the costs and we appreciate the null and void clause. The Kent School District is generally in favor of a bill of this type. Kent has been doing things around this bill for a long, long time. In fact, I think we've set the benchmark. We do share the OSPI's concern about the model policy being overly prescriptive, especially for smaller school districts.

Testimony Against: None.

Persons Testifying: (In support) Representative Dickerson, prime sponsor.

(With concerns) Craig Apperson and Greg Williamson, Office of the Superintendent of Public Instruction; Joe Pope, Washington School Safety Advisory; Lucinda Young, Washington Education Association; Don Rash, Association of Washington School Principals; Dan Steele, Washington State School Directors Association; Barbara Mertens, Washington Association of School Administrators; and Mike Harrington, Kent School District.

Persons Signed In To Testify But Not Testifying: None.